

REMARKS

The Examiner has rejected claims 1-108 under the judicially created doctrine of double patenting over claims 1-56 of co-pending Application No. 09/575,172. The Examiner suggests that the two applications claim common subject matter.

In reply, the Applicant submits that the two applications do not claim common subject matter for the following reasons:

1. Claim 1 of the present application claims the following subject matter not claimed in the co-pending application:

- (a) *"a sensing device which: contains identifying data indicative of an identity of the user";*
- (b) *"in the computer system... receiving the identifying data from the sensing device";*
- (c) *"in the computer system... identifying user data from the identifying data";* and
- (d) *"in the computer system... operating the computer software at least partly in reliance on the user data."*

2. Claim 2 of the present application claims the following subject matter not claimed in the co-pending application:

- (a) *"in the computer system... receiving identifying data from a sensing device, wherein the sensing device contains the identifying data and the identifying data is indicative of an identity of the user";*
- (b) *"identifying user data from the identifying data";* and
- (c) *"operating the computer software at least partly in reliance on the user data."*

3. Claim 53 of the present application claims the following subject matter not claimed in the co-pending application:

- (a) *"a sensing device which: contains identifying data indicative of an identity of the user";*
- (b) *"in the computer system... receive the identifying data from the sensing device";*
- (c) *"identify user data from the identifying data";* and
- (d) *"operate the computer software at least partly in reliance on the user data."*

4. Claim 54 of the present application claims the following subject matter not claimed in the co-pending application:

- (a) *“in the computer system... receive identifying data from a sensing device, the identifying data being: indicative of an identity of the user; and contained in the sensing device”;*
- (b) *“identify user data from the identifying data”;* and
- (c) *“operate the computer software at least partly in reliance on the user data.”*

As such, each of the independent claims claims subject matter which differs in at least three respects from the invention claimed in the co-pending application.

5. The Examiner has suggested that the statement in claim 2 of the present application: *“the sensing device contains the identifying data and the identifying data is indicative of an identity of the user”* corresponds to and serves the same purpose as the statement in claim 9 of the co-pending application: *“a sensing device which ... senses indicating data indicative of the identity of the interface surface and generates movement data indicative of the sensing device’s movement relative to the interface surface.”*

In response, the Applicant submits that these two statements speak of three different types of data:

- (a) *“identifying data”* which is indicative of *“an identity of the user”;*
- (b) *“indicating data”* which is indicative of *“the identity of the interface surface”;* and
- (c) *“movement data”* which is indicative of *“the sensing device’s movement relative to the interface surface.”*

The Applicant submits that the two statements do not correspond to one another and do not serve the same purpose.

6. The Examiner has suggested that the statement in claim 53 of the present application: *“operate the computer software at least partly in reliance on the user data”* corresponds to and serves the same purpose as the statement in claim 29 of the co-pending application: *“operate the computer software at least partly in reliance on the movement*

data.”

In response, the Applicant submits that these two statements speak of two different types of data:

- (a) “*user data*” which is identified from the “*identifying data*” which is indicative of “*an identity of the user*” and which is contained in the sensing device; and
- (b) “*movement data*” which is indicative of “*the sensing device’s movement relative to the interface surface.*”

The user data therefore relates to the identity of the user, whereas the movement data relates to the movement of the sensing device relative to the interface surface. The two types of data are therefore quite distinct. Accordingly, the Applicant submits that the two statements do not correspond to one another and do not serve the same purpose.

7. The Examiner has suggested that the statement in claim 54 of the present application: “*identify user data from the identifying data*” corresponds to and serves the same purpose as the statement in claim 37 of the co-pending application: “*perform written gesture recognition in relation to at least some of the movement data.*”

In response, the Applicant submits that these two statements speak of two different functions. In the present application, the user data is derived from the identifying data which is contained in the sensing device. In contrast, the gesture recognition in the co-pending application is performed with reference to the movement data which is indicative of the sensing device’s movement relative to the interface surface. The identifying data and the movement data are quite distinct types of information. The task of performing written gesture recognition is quite a different task from identifying user data from the identifying data.

The Applicant submits that the two statements do not correspond to one another and do not serve the same purpose.

8. Since independent claims 1, 2, 53 and 54 do not claim the same subject matter as the co-pending application, the Applicant submits that the corresponding dependent claims similarly claim different subject matter.

9. New claims 109 to 128 have been added to improve the clarity of current claims 1 to 20. The Applicant submits that these new claims add no new matter.

The Applicant requests that the Examiner reconsider his double patenting objection in light of these arguments.

CONCLUSION

It is respectfully submitted that all of the Examiner's objections have been successfully traversed. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Very respectfully,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

109. (New) A method of enabling user interaction with computer software running in a computer system via:

an interface surface containing information relating to the computer software and including coded data indicative of at least one interactive element relating to the computer software; and

a sensing device which: contains identifying data indicative of an identity of the user; and, when placed in an operative position relative to the interface surface, generates indicating data based at least partially on sensing at least some of the coded data, the indicating data being indicative of the at least one interactive element;

the method including the steps of, in the computer system:

(a) receiving the identifying data from the sensing device;

(b) receiving the indicating data from the sensing device;

(c) identifying the at least one interactive element from the indicating data;

(d) identifying user data from the identifying data; and

(e) operating the computer software at least partly in reliance on the user data, and in accordance with instructions associated with the at least one interactive element.

110. (New) A method of enabling user interaction with computer software running in a computer system, the method including the steps of:

providing an interface surface containing:

information relating to the computer software; and

coded data indicative of at least one interactive element relating to the computer software; and

in the computer system:

(a) receiving identifying data from a sensing device, wherein the sensing device contains the identifying data and the identifying data is indicative of an identity of the user;

(b) receiving the indicating data from the sensing device, wherein the sensing device, when placed in an operative position relative to the interface surface, generates the indicating data based at least partially on sensing at least some of the coded data, the indicating data being indicative of the at least one interactive element;

(c) identifying the at least one interactive element from the indicating data;

(d) identifying user data from the identifying data; and

(e) operating the computer software at least partly in reliance on the user data, and in accordance with instructions associated with the at least one interactive element.

111. (New) A method according to claim 109 or 110, wherein the user data is identified from both the identifying data and the indicating data.

112. (New) A method according to any one of claims 109, 110 or 111, wherein the coded data, and therefore the indicating data, is indicative of an identity of the interface surface and of at least one reference point of the interface surface.

113. (New) A method according to claim 112, wherein the sensing device generates movement data indicative of its movement relative to the interface surface, the method including the step of receiving, in the computer system, the movement data.

114. (New) A method according to any one of claims 109, 110 or 113, wherein the interactive element is a hyperlink element relating to the computer software, the method including the step of effecting, in the computer system, an operation associated with the hyperlink element.

115. (New) A method according to claim 114, including the step of sending, in the computer system, data to the computer software indicative of the hyperlink element.

116. (New) A method according to claim 115, including the step of sending, in the computer system, data to the computer software indicative of a name and/or value of at least one field related to the computer software.

117. (New) A method according to claim 116, including the step of sending, in the computer system, data to the computer software indicative of a selected object.

118. (New) A method according to claim 109 or 110, wherein the interactive element is a checkbox field relating to the computer software, the method including the steps of identifying, in the computer system, that the user has entered a hand-drawn mark by means of the sensing device and effecting, in the computer system, an operation associated with the checkbox field.

119. (New) A method according to claim 118, including the step of associating, in the computer system, a true value with the checkbox field.

120. (New) A method according to claim 118, including the step of sending, in the computer system, data to the computer software indicative of at least the checkbox field.

121. (New) A method according to claim 109 or 110, wherein the interactive element is a text field relating to the computer software, the method including the steps of identifying, in the computer system, that the user has entered handwritten text data by means of the sensing device and effecting, in the computer system, an operation associated with the text field.

122. (New) A method according to claim 121, including the step of converting, in the computer system, the handwritten text data to computer text.

123. (New) A method according to claim 122, including the step of associating, in the computer system, the computer text with the text field.

124. (New) A method according to any one of claims 121, including the step of sending, in the computer system, data to the computer software indicative of at least the text field.

125. (New) A method according to claim 109 or 110, wherein the interactive element is a signature field relating to the computer software, the method including the steps of identifying, in the computer system, that the user has entered a handwritten signature by means of the sensing device and effecting, in the computer system, an operation associated with the signature field.

126. (New) A method according to claim 125, including the step of verifying, in the computer system, that the signature is that of the user.

127. (New) A method according to claim 126, including the step of generating, in the computer system and using a signature key of the user, a digital signature of at least data indicative of a name and/or value of at last one field related to the computer software.

128. (New) A method according to claim 127, including the step of associating, in the computer system, the digital signature with the signature field.